

Special Needs Offenders

a publication of the Federal Judicial Center

BULLETIN

Women Offenders and their Children by Mark Sherman

In an era when so many of our legal theorists and institutions are focused on gender equality . . . the question ‘why focus on women offenders?’ is a legitimate one,” wrote Judge Patricia M. Wald this spring in *Criminal Justice* magazine. Wald, who served for 20 years on the U.S. Court of Appeals for the District of Columbia Circuit, was addressing the conundrum of “equal but different” treatment of women in the federal judiciary.

“It is commonly understood,” Wald continued, “that women offenders as a group display significant differences from their male counterparts in ways that materially affect the goals of sentencing.” Among these differences, Wald noted, were lower conviction rates for violent offenses or major drug offenses, the absence of prior criminal records, and the greater likelihood of being the primary caretakers of young children at the time of arrest (children are far more likely to be consigned to state care if their mother, rather than their

father, is imprisoned, she pointed out).

Other differences Wald cited were women offenders’ distinct physical and mental health needs, their greater like-

guards and other personnel. On the positive side, female offenders showed lower recidivism rates, Weld noted, and a greater ability to change motivation and attitudes than male offenders.

Wald concluded, “These differences in men and women offenders strongly suggest that the goals of sentencing may be best addressed by looking carefully at differences from, as well as commonalities with, male offenders—both individually and as a group.” She added that the U.S. Sentencing Guidelines (USSG), “while commanding that gender never be a relevant factor in sentencing . . . base their core sentences on a predominantly male behavior pattern.” Thus, when the same sentence is levied on a female and a male offender, it can impose far greater deprivations on the female because of her gender.

The discussion about women in the criminal justice system tends to focus on prisons and, secondarily, on jails. However, there are more offenders under community supervision than are incarcerated, and most prisoners will, at some point, return to the street. To construct a law abiding life, a woman offender is likely to require the assistance of a large number of public systems, including public assistance, homelessness services, family court, child care, public education, drug treatment, health and mental health. If we are to help women succeed in the community, the criminal justice system must work more effectively with the other public systems that shape the lives of these women. Competing demands must be reconciled.

—Ann L. Jacobs, Executive Director
Women’s Prison and Home Association

The Caretaker Problem

As law professor Myrna Raeder, an expert on sentencing of women, and Leslie Acoca, director of the Women and Girls

likelihood to have a history of sexual or physical abuse, and their greater vulnerability to physical and sexual abuse from

INSIDE

Sentencing Women Offenders	4
Supervising Women Defendants and Offenders	10
BOP Programs for Female Offenders	11

Supervision Planning Checklist	14
Probation and Pretrial Services Initiatives	16
Resources	18

Institute at the National Council on Crime and Delinquency, wrote in a recent issue of *Stanford Law and Policy Review*, “in [federal] sentencing, the deletion of gender assumes a world in which men and women have equal custody of children and where the non-custodial parents are willing and able to take responsibility for the care of their children.”

Justice Department statistics indicate, however, that the ratio of female offenders who are single parents is much greater than the ratio of male offenders who are. Other studies bear out the common wisdom that minor children of male offenders almost always continue in the mother’s care, whereas children of female offenders usually are taken in by relatives or friends or are funneled into foster care.

For example, the Bureau of Justice Statistics (BJS) reported that, in 1997, of the federal female offenders who lived with their children at the time of admission, 94% said that their children’s current caretakers were the children’s grandparents, other relatives, friends, or foster parents, while 31% said that the current caretaker was the children’s father. (According to the BJS, these percentages total more than 100 because some prisoners had several children living with multiple caretakers.) In

contrast, 92% of federal male offenders who lived with their children at admission said that their children’s current caretaker was their mother.

Researchers Paula Dressel, Jeff Porterfield, and Sandra Kay Barnhill identified a pattern of family separation starting at sentencing, when a substitute caretaker is required for an extended period. Writing about this “family separation para-

No one disputes that women offenders as a group simply do not present the same degree of danger to the community that male offenders as a group do. Indeed, the Bureau of Prisons has instituted a separate classification category for women offenders based on their predominantly nonviolent character. Subject to individual exceptions, it would make sense . . . to design programs and security regimes for the “typical” woman offender that ensure the necessary degree of protection for society, but permit us to meet essential needs and even promote rehabilitation.

—Hon. Patricia M. Wald
U.S. Court of Appeals, D.C. Circuit (retired)

digm” in *Corrections Today*, Dressel, Porterfield, and Barnhill noted that 11% of children of incarcerated mothers experience at least two changes in caretaker during the period of incarceration, exacerbating the trauma of separation.

“The mothers of children placed in foster care find it difficult to meet state reunification requirements for regaining custody,” they pointed out.

The federal Adoption and Safe Families Act accelerates termination of parental rights

and, under 42 U.S.C. §671 (a)(20)(A), bars individuals with certain convictions from being foster or adoptive parents. (42 U.S.C. §671 (a)(20)(B) allows states to opt out of this prohibition.) Although the intention of the law is to create permanency for children, it has a potentially devastating effect on families in which the mother is involved with the criminal justice system. Pursuant to 42 U.S.C. §675(5)(E), the law requires states to seek termination of parental rights when a child has been in foster care 15 of the previous 22 months. Obviously, a single mother serving more than 15 months would have serious problem reuniting with her children. Some states have enacted more restrictive statutes.

Implications for the Federal Judiciary

Judge Wald’s observations about differences between female and male offenders apply to both the front and back ends of sentencing (i.e., presentence report, institutional recommendation, BOP designation, and post-sentence supervision), as well as to pretrial services supervision.

Because many female defendants are primary caretakers of young children and may be facing prison terms, the role of the

pretrial services officer might entail helping the defendant to stabilize her life situation and to arrange child custody and disposition of child support payments. This aid might extend to referring the defendant to mental health counseling as the time of imprisonment nears, so that she can deal emotionally with the impending separation from her children and effectively manage the transition. The pretrial services officer might even have to seek addition of the mental health condition at a late stage in the defendant's supervision.

Similarly, the same type of defendant facing probation, or one who is reentering society to begin a term of supervised release, may need the help of her pretrial services and probation officers in obtaining child support. Further, if violations of conditions are to be avoided, probation officers must be prepared to help women offenders reconnect with their children (where permitted) and to help avert crises related to housing, substance abuse and mental health treatment, transportation, and employment.

Ultimately, treating women offenders "equally but differently" means that the court, pretrial services, and probation understand the unique barriers and needs confronted by many in this population. While the court cannot sentence on the basis of gender, it may select an alternative sentence where the guidelines permit and tailor special conditions of supervision to meet the needs of individual female offenders. ♦

Some Facts about Women in the Criminal Justice System

- Between 1990 and 1998 the per capita number of women in state and federal prison—i.e., the number of prisoners per 100,000 in the population—increased 88%. The number of women under state and federal probation supervision climbed 40%.
- The number of female inmates in the Federal Bureau of Prisons system increased from 1,400 in 1980 to over 9,000 at the end of 1998. Seventy-two percent of these inmates were incarcerated because of drug offenses, while the remaining 27% were there because of property offenses (12%), public order offenses (8%), or violent offenses (7%).
- In 1997, 40% percent of female federal inmates reported that they had been physically or sexually abused before incarceration.
- Of women and men in federal prison in 1997, 60% of each group had minor children. However, 84% of women offenders lived with their minor children prior to entering prison, compared to 55% of male offenders. Fifty-one percent of these women were single parents, compared to 14% of the men.
- In 1997, 30% of female federal inmates reported a medical problem since admission excluding injuries, colds, viruses, and flu, compared to 21% of male federal inmates. In 1998, over 12% of female federal inmates were identified as mentally ill, compared to 7% of male federal inmates.
- Between 1997 and 2000, more than 34,500 women began a period of active federal post-conviction supervision—over 20% of all offenders under federal supervision during that period.

Source: Federal Judicial Center; U.S. Department of Justice, Bureau of Justice Statistics, *Special Report: Medical Problems of Inmates, 1997* (January 2001); U.S. Department of Justice, Bureau of Justice Statistics, *Special Report: Incarcerated Parents and their Children* (August 2000); U.S. Department of Justice, Bureau of Justice Statistics, *Special Report: Intimate Partner Violence* (May 2000); U.S. Department of Justice, Bureau of Justice Statistics, *Special Report: Women Offenders* (December 1999); U.S. General Accounting Office, *Women in Prison: Issues and Challenges Confronting U.S. Correctional Systems* (1999).

Sentencing Women Offenders

The Administrative Office of the U.S. Courts' Publication 107 states that "the presentence report has multiple functions in judicial and correctional administration." While

its primary purpose is to assist the court in determining the appropriate sentence . . . [it] also serves to aid the probation officer in supervision efforts during probation, parole, and supervised release; to support Bureau of Prisons inmate designation, classification, programming, and release planning; [and] to furnish the U.S. Parole Commission with information pertinent to parole consideration (for those offenses committed before November 1, 1987).

In cases involving substance abuse and mental health, the report can also assist treatment providers.

Relevant Guidelines

Section 5H1.10 of the USSG explicitly decrees that sex is not relevant in the determination of a sentence. According to policy statement 5H1.6, "family ties and responsibilities and community ties are not ordinarily relevant in determining whether a sentence should be outside the applicable guideline range." Still, §5K2.0 states that offender characteristics that the U.S. Sentencing Commission has deemed "not ordinarily relevant," such as family and community ties, may be relevant in

determining whether a sentence should be outside the applicable guideline range if the court determines that these characteristics are present to a degree that places the case outside the "heartland" of such cases.

In addition, 18 U.S.C. §3661

It cannot be emphasized enough that [the presentence report] is the one collection of data upon which virtually all correctional designation and other decisions are made. . . . The PSI is known as the 'bible' by prisoners and Bureau [of Prisons] staff alike.

—Alan Ellis and Samuel Shummon
Federal Prison Guidebook

states that there are to be no limits placed on the information about background, character, and conduct of an offender that a court may receive and consider when imposing an appropriate sentence (see USSG §1B1.4). Thus, there is nothing in the law preventing a probation officer from reporting this information to the court at the time of sentencing.

According to the Sentencing Commission, in 1999 there were 492 downward departures based on family ties and responsibilities, constituting 5.1% of downward departure cases for that year. Of these, 61% were for male offenders while 39% were for female offenders. However, because females account

for only 15% of the federal offender population, they receive the departure as a group proportionately more often.

According to criminal defense lawyers Allan Ellis and Samuel Shummon, all of the courts of appeals "have recognized that the presence of family circumstances to an unusual, special, or extraordinary degree can serve to remove a case from the heartland."[†] However, Ellis and Shummon point out, the courts of appeals differ as to what is "ordinary" and, therefore, have arrived at different results in similar cases. (For examples, see pages 7 and 8.)

From their review of the case law, Ellis and Shummon assert that the courts of appeals are reluctant to "affirm district courts' decisions to depart downward for extraordinary family circumstances, a fact that is especially true in cases where the district court has not adequately articulated its reasons for departing."

Writing in a 1995 *Federal Sentencing Reporter* devoted to gender and sentencing, Judge Wald (quoted on page 1), observed that Criminal Justice Act-appointed attorneys seemed not to ask for a downward departure even on the basis of parenting "because of a general notion that most appellate courts have rejected it or allow it only in the most desperate circumstances." Wald recommended that "[p]ro probation officers preparing presentence investigation reports

[†] Allan Ellis and Samuel A. Shummon, "Federal Sentencing: Let Judges be Judges! Post-Koon Downward Departures, Part 7: Family Ties and Responsibilities," *Criminal Justice Magazine* 48 (Summer 1999) (citing *United States v. Rivera*, 994 F.2d 942, 948 (1st Cir. 1993); *United States v. Johnson*, 964 F.2d 124, 129 (2d Cir. 1992); *United States v. Monaco*, 23 F.3d 793, 801 (3d Cir. 1994); *United States v. Wilson*, 114 F.3d 429, 433 (4th Cir. 1997); *United States v. Brown, et al.*, 29 F.3d 953, 961 (5th Cir. 1994); *United States v. Brewer*, 899 F.2d 503, 508 (6th Cir. 1990); *United States v. Canoy*, 38 F.3d 893, 906 (7th Cir. 1994); *United States v. Bieri*, 21 F.3d 811, 817 (8th Cir. 1994); *United States v. Mondelo*, 927 F.2d 1463, 1470 (9th Cir. 1991); *United States v. Rodriguez-Velarde*, 127 F.3d 966, 968-69 (10th Cir. 1997); *United States v. Mogel*, 956 F.2d 1555, 1565 (11th Cir. 1992); *United States v. Dyce*, 91 F.3d 1462, 1466 (D.C. Cir. 1996)).

(PSIs) . . . be energized to watch out for appropriate fact scenarios where such a departure might be recommended.” In a footnote she added that conversations with women prisoners “surfaced a repeat grievance that some had been interviewed only cursorily for 10–20 minutes by the PSI authors.”

Courts have also departed downward in cases involving female offenders where extraordinary situations of family ties and responsibilities are combined with an act of aberrant behavior on the offender’s part. Section 5K2.20 of the sentencing guidelines provides that “a sentence below the guideline range may be warranted if the defendant’s criminal conduct constituted aberrant behavior.”

According to the commentary accompanying §5K2.20, “aberrant behavior” means “a single criminal occurrence or single criminal transaction that (a) was committed without significant planning; (b) was of limited duration; and (c) represents a marked deviation by the defendant from an otherwise law-abiding life.”

When women are victims of domestic violence, §5K2.12 may be another basis for downward departure in some cases. This guideline provides that coercion or duress not amounting to a complete defense may be a reason for the court to depart downward.

In *U.S. v. Johnson*, 956 F.2d 894 (9th Cir. 1992), the court of appeals affirmed the district court’s decision to permit use of battered woman syndrome as an affirmative defense of duress

for acts of drug distribution which are relevant conduct under §1B1.3, and as evidence of incomplete duress for which the court could grant a discretionary downward departure.

In that case, a female defendant had been continually threatened and beaten by the male leader and other members of a drug trafficking organization. It was this treatment that

led to her involvement in distribution. Another female defendant took part in the distribution after threats of injury to one of her children. A third female defendant had been physically abused by the drug kingpin’s son, to whom she was engaged.

Another possibility for downward departure exists where a female defendant com-

About Women under Post-sentence Supervision *

Between 1997 and 2000:

- More than 59% of women under federal post-sentence supervision were White, 34% were Black, 3% were Asian, and 3% were Hispanic.
- These offenders’ Risk Prediction Index (RPI) scores were concentrated between zero and two, while scores for men during the same period were concentrated between zero and four. (The RPI is a statistical model that uses information about an offender to estimate the likelihood that the offender will recidivate (i.e., be arrested or have supervision revoked) during his or her term of supervision. Offenders are scored according to an index ranging between zero and nine, with zero indicating the lowest risk.)
- Fifty-two percent of these offenders began a period of probation, compared to 34% of their male counterparts, while 47% began a period of supervised release, compared to 60% of males. One percent entered parole, compared to 6% of males.
- Thirty-three percent of women beginning a period of active supervision during this period were between the ages of 20 and 29, while 32% were between the ages of 30 and 39.
- Forty-three percent of these offenders were unemployed prior to being incarcerated or starting probation.
- Sixty-three percent had no prior criminal record, compared to 42% of men.
- 31% percent were white-collar offenders, and 30% were drug offenders.
- Forty-nine percent listed drug treatment as their most important need, with money running second at 13%.

* Source: Federal Judicial Center

mits a crime through an act of self-defense. Section 5K2.10 provides that if wrongful conduct by the victim (wife beating, for example) contributed significantly to provoking the offense behavior, the court may depart downward, even if the jury rejected the defendant's claim of self-defense. This section of the guidelines applies to violent offenses primarily but may apply to nonviolent offenses in some instances.

Finally, §5C1.2 provides a safety valve that lets a judge depart below a mandatory minimum in certain circumstances, even if the prosecutor does not initiate the request or agree to it. According to Raeder and Acoca (see "The Caretaker Problem," page 1),

The profile of the perfect candidate for this statutory gift appears ideal for many women because it is intended for first-time, nonviolent drug offenders who played a minor role in the offense and have made a good faith effort to cooperate with the government, despite the lack of usefulness of their information. However, the defense must initiate the contact with law enforcement and must be willing to supply whatever information the offender possesses. . . . Given the importance of relationships to women, it is not surprising that some women offenders are not willing to jeopardize others in order to benefit themselves. In addition, denying culpability at trial has resulted in its inapplicability in

some circuits, confining its use to cases in which the defendant pleads guilty.

Even if an offender is willing to cooperate, the safety valve may be inapplicable if the supplied information reveals that the woman's role was not minor. In fact, such information can be used to increase the sentence. Thus, cost-benefit analysis may indicate that if the guideline sentence is not significantly less than the mandatory sentence, there is more upside risk than downside reward in talking to the prosecutor.

BOP Institutional Recommendation

In light of the unique needs of women offenders and the availability of different types of gender-responsive programming at the 15 BOP women's facilities (see page 11), a sentencing judge's recommendation can assist with placement in the most appropriate institution for the offender. The *Federal Prison Guidebook* states that "in most cases, assuming the individual qualifies for placement in the institution recommended by the sentencing judge, the Bureau of Prisons will make every effort to honor the recommendation."

As with the sentencing of any offender, the court must try to balance the goals of sentencing and the offender's needs. Background information on the offender in the presentence report (e.g., substance abuse and physical or sexual abuse histories and parental status) will help the sentencing judge make

an appropriate recommendation. For example, in the case of a chronically substance-abusing single mother, relevant information in the presentence report could help the court determine how recommending that the offender be incarcerated at an institution with a 500-hour residential drug and alcohol treatment program—which could be far from her release residence—will correspond with her need for visitation with her child (not to mention the child's needs). Similar trade-offs may arise when the sentencing judge considers recommendations to facilities with particular gender-specific programming.

Special Conditions

Pretrial, post-conviction, and post-sentence special conditions should be realistic in terms of the types of treatment-related services available in the offender's community and the challenges unique to women offenders and, therefore, to the officers who supervise them. Moreover, just as special conditions should not provide an advantage to a defendant or offender simply because of her gender, neither should they put her at a disadvantage for that reason.

Michael Cox and Elisha Rivera, U.S. probation officers on the Southern District of New York's Female Offenders Committee, remarked in an interview for this bulletin that

[m]any female offenders suffer from self-esteem issues which can affect their ability to obtain or maintain employment, increase

Selected Circuit Cases Involving Downward Departures Based on Family Ties and Responsibilities Under USSG §5H1.6

For a complete digest of district and circuit cases, see Jason Binimow, "Downward Departure from United States Sentencing Guidelines Based on Extraordinary Family Circumstances," 145 A.L.R. Fed. 559 (2001). Presentence officers seeking immediate assistance and advice regarding downward departures based on family ties and responsibilities can contact the U.S. Sentencing Commission hotline at (202) 502-4545.

Sole or primary provider for family : departure justified

U.S. v. Alba, 933 F.2d 1117 (2d Cir. 1991). Defendant pleaded guilty to a charge of conspiracy to distribute and to possess with intent to distribute cocaine. District court found, and court of appeals affirmed, that defendant's family circumstances were extraordinary, noting that defendant, his wife, and two daughters lived with his disabled father and his paternal grandmother and that he had long-standing employment, working two jobs to maintain his family's economic well-being. Defendant's incarceration might have resulted in the destruction of an otherwise strong family unit.

U.S. v. Galante, 111 F.3d 1029 (2d Cir. 1997), *reh'g in banc denied*, 128 F.3d 788 (2d Cir. 1997). District court departed downward, and court of appeals affirmed, for 41-year-old defendant with no criminal record who was married with two children ages eight and nine,

whose wife spoke little English and thus had limited earning capacity, and who was the primary source of financial support for the family. Defendant's imprisonment would have resulted in destruction of the family unit and its relegation to public assistance.

U.S. v. McKelvey, 7 F.3d 236 (6th Cir. 1993). Court of appeals affirmed district court's downward departure, applying a "totality of the circumstances" approach for 55-year-old male defendant who pleaded guilty to one count of knowingly receiving and possessing an unregistered silencer. District court found that, taken together, defendant's health, his wife's health, his status as primary caregiver for a minor grandson, and his financial responsibility to care for additional relatives all justified the departure.

Sole or primary provider for family : departure not justified

U.S. v. Sweeting, 213 F.3d 95 (3d Cir. 2000). Defendant pleaded guilty to distribution and possession with intent to distribute cocaine. Court of appeals held that the fact that defendant was a single mother and sole provider for her five children did not take her case out of the USSG heartland and did not warrant downward departure.

U.S. v. Gallegos, 129 F.3d 1140 (10th Cir. 1997). Court of Appeals vacated district court's downward departure under USSG §5H1.6, which was based on defendant's

status as sole supporter for her six-year-old son and partial supporter for her parents. Appellate court found that defendant's circumstances fell within the heartland of cases and thus could not be a lawful basis for departure.

Effect upon child of loss of affection and nurturer: departure justified

U.S. v. Sclamo, 997 F.2d 970 (1st Cir. 1993). Defendant pleaded guilty to single count of possession of cocaine with intent to distribute. He had developed an important relationship with his live-in companion's 12-year-old son, who suffered from attention deficit hyperactivity disorder. Court of appeals affirmed downward departure based on family circumstances because defendant had been living with the woman and her two children for three years and participated in individual psychotherapy sessions with the son on a weekly basis. The child had continually been physically abused by his alcoholic biological father since age five and began to display aggressive and disruptive behavior at home and in school, being placed in a behavior disorder class and eventually diagnosed with attention deficit hyperactivity disorder.

U.S. v. Johnson, 964 F.2d 124 (2d Cir. 1992). Defendant was convicted of conspiracy, bribery, and theft of public money. She was a single mother who was solely re-

sponsible for the upbringing of three of her own children ages six, five, and six months, as well as her six-year-old granddaughter, whose mother (the defendant's 21-year-old daughter) lived in an institution. Defendant's 17-year-old son lived with her; she received no child support for any of the children; there were no signs of drug or alcohol use; and she had no mental or emotional health problems. Court of appeals affirmed the sentencing judge's departure.

U.S. v. Pena, 930 F.2d 1486 (10th Cir. 1991). District court found, and court of appeals affirmed, downward departure based on defendant's status as a single parent of a two-month-old child and the sole supporter for herself, her infant child, her 16 year-old daughter, and her daughter's infant child, and on the expectation that incarcerating defendant would place the children at potential risk. Defendant had been convicted of possession with intent to distribute marijuana but had no prior history of substance abuse or prior felony convictions and had been steadily employed.

Effect upon child of loss of affection and nurturer: departure not justified

U.S. v. Chestna, 962 F.2d 103 (1st Cir. 1992). After conviction on drug charges, defendant challenged her sentence by arguing that district court erred in refusing a downward departure based on the unique circumstances of her family responsibilities, since she was a single mother with three children ages 13, 11, and 4 and was two months pregnant at the time of sentencing. Appellate court af-

firmed the sentence, concluding that, even if appellate court had jurisdiction to consider the argument, defendant failed to allege facts sufficient to justify a downward departure based on family circumstances under §5H1.6.

U.S. v. Headley, 923 F.2d 1079 (3d Cir. 1991). Single mother, convicted of charges stemming from activities as a drug courier for a large narcotics manufacturing and distribution organization, lived with her five children ranging in age from 11 months to 11 years who were fathered by the leader of that organization. Court of appeals, noting that the imprisonment of a single parent was not extraordinary and the imposition of prison sentences normally disrupts parental relationships, determined that defendant had not shown her family circumstances to be extraordinary and concluded that district court's refusal to depart was not erroneous.

U.S. v. Dyce, 91 F.3d 1462 (D.C. Cir.), *reh'g en banc denied* (1996). Downward departure for extraordinary family responsibilities not supported by statement that defendant was a single mother with three children under four years of age, one of whom was being breast fed, and that incarceration would require placing the children in a foster home. At the time of arrest, defendant was living with the father of her children and with her parents and sister, who were employed. Presentence officer could not confirm that defendant had been gainfully employed during six years preceding arrest, and situation indicated that children could and would be cared for by members of her family.

the possibility of drug use, and be detrimental to their adjustment overall. In that case, an officer may want to make a referral to an agency that can address this . . . or recommend a special condition requiring a form of counseling.

A female offender who is also a parent can usually benefit a great deal from parenting classes. [While] assessing a parent's ability may be difficult, an officer should consider the fact that the offender committed a crime, thereby jeopardizing the life of her child or enhancing the possibility of separation from her child. The court can impose special conditions such as participation in mental health counseling, including programs specifically for women, parenting classes, or a special condition that requires the offender to obtain a GED, attend vocational/educational training, or obtain/maintain employment.

If a female is using her time to educate herself or establish independence, chances are she will have greater self-esteem and less free time, both of which can prevent involvement in unhealthy relationships with males. However, the court should probably refrain from imposing a special condition that requires a female offender who is also a single parent to perform community service or serve a period of home confinement. Such requirements inadvertently may lead to neglect of a child (for ex-

ample, if a mother works all week and then has to perform community service all day Sunday) or punishment of a child (for example, if the mother cannot take the child to the park, etc.).

These comments underscore that single motherhood is a unique and important consideration in the development, recommendation, and imposition of special conditions for many women defendants and offenders. In such a case, it is appropriate for the pretrial services officer, presentence officer, supervision officer, and the court to inquire about the status of child support payments—especially where other income sources are limited or nonexistent.

If child support has not been obtained, a special condition can be developed requiring the defendant or offender to initiate collection efforts. The purpose of such a condition is *not* to punish the defendant or offender but to communicate both to her and to her supervision officer the importance of diligently pursuing child support that, if received, can in certain cases provide the supplemental income required for a family's survival.

Depending on the defendant's or offender's needs and the supervision context, other special conditions might require completing programs about financial management, domestic violence, or physical or sexual abuse. Ultimately, the development, recommendation, and imposition of special conditions addressing the

unique correctional treatment needs of a female defendant or offender must account for her ability to comply, which could depend on her access to child care, her housing situation (e.g., shelter, transitional, or permanent), her access to transportation, and her financial situation.

The issue of income (or the lack thereof) can be especially

challenging—for offender and officer both—if she is relying on welfare until she can get a job. In 23 states, federal and state welfare laws combine to bar persons with a drug-related felony conviction from receiving cash assistance and food stamps. Offenders also may be unable to qualify for federal housing assistance (see box, page 13). ♦

Special Conditions Considerations

In fashioning, recommending, and imposing or modifying special conditions for women defendants and offenders, pretrial services officers, presentence officers, courts, and supervision officers should ask themselves the following questions:

- ✓ What is the offender's release residence? (supervised release only)
- ✓ What specific services might the defendant or offender need (e.g., drug aftercare, mental health treatment, pre-natal care, parenting, financial management, employment or job training, etc.)?
- ✓ What gender-responsive services are available in the defendant's community or offender's release residence?
- ✓ Is the defendant or offender a single mother? If so, what is the status of custody and child support?
- ✓ In the case of probation or term of supervised release, was the offender receiving public assistance (including housing assistance) before conviction? If so, what will be the status of those benefits following conviction, and what income alternatives will be available to the offender upon commencing a sentence of probation or term of supervised release?
- ✓ What is the defendant's or offender's housing situation: shelter, transitional, or permanent? How will this correspond with the defendant's or offender's ability to comply with conditions of bond, probation, or supervised release?
- ✓ Will the defendant or offender have access to transportation while on pretrial release, probation, or supervised release? How will this correspond with the individual's ability to comply with the conditions of bond, probation, or supervised release?

Supervising Women Defendants and Offenders

“Since women typically manage their lives in the context of relationships,” wrote Barbara Bloom and Anne McDiarmid last year in *Topics in Community Corrections: Responding to Women Offenders in the Community*,

building trust with a female [defendant or offender] is an important step in helping her to be successful [under supervision]. Family mentoring and/or other community support is critical for a woman’s continued success in the community. Engaging the family, particularly her children, in her recovery process can promote successful outcomes for a woman.

To that end, Bloom, criminal justice professor at Sonoma State University, and McDiarmid, community corrections supervisor in St. Paul, Minnesota, recommend that supervision officers use a case management approach as opposed to a surveillance approach to supervision.

Case management presumes that the pretrial services or probation officer will engage the defendant or offender to build trust, identify issues that may impede successful supervision, link the individual with services to address those issues, and closely monitor services to

determine their effectiveness. Where necessary, the officer will use community-based service providers and local agen-

clear whether the sentence would involve probation or a short period of incarceration. (She was separated from her husband, the codefendant.)

The woman had cancer but had decided to cease further chemotherapy and radiation treatment because she felt it was too hard on her and her children. She often had bouts of great pain and got very little sleep. Her employment had been sporadic due to her illness, and she had been supporting herself and her children through public assistance. She also had a disabled mother, whom she assisted frequently.

Previously, the woman, who had a history of physical and emotional abuse, was receiving psychiatric treatment for depression and stress, paid for by her husband’s insurance. She had no substance abuse

history.

The woman was anxious about her children and would not show any weakness in front of them. She was particularly concerned about her oldest child, who had behavior problems.

The pretrial services officer requested, and the court approved, a special condition of mental health treatment, and the officer referred her to the

Increasing caseloads have made it necessary to focus on offenders who are at high risk to public safety. Women, who typically commit low-level property and drug crimes, are generally not a danger to their communities. Therefore, they tend to be ignored despite the fact that their success or failure has an impact on their children, families, and other social service systems. Failure often means a woman’s increased involvement in the criminal justice system, which may lead to family fragmentation. Success, on the other hand, can mean that a woman is in charge of her life, in recovery from trauma and dependency, and fostering healthy children and families with resources and community support.

—Barbara Bloom and Anne McDiarmid
*Topics in Community Corrections:
Responding to Women Offenders
in the Community*

cies to assist in achieving the goals of supervision. The difference between pretrial services and probation use of the case management approach is merely one of degree.*

A Pretrial Services Case

A 35-year-old woman, the primary caretaker of children ages 11, 13, and 15, was awaiting sentencing after having been convicted of fraud. It was un-

* Further explanation of the case management approach, albeit in a non-gender-specific context, can be found in *Special Needs Offenders Bulletin: Reducing Risk through Employment and Education* (January 2000), page 5.

Bureau of Prisons Programs for Female Offenders

The BOP maintains 15 facilities in eight states for women. The agency has mandated the development of programs to meet the needs of female offenders who have a history of physical, emotional, or sexual trauma. These programs are listed below.

BRIDGE (FCI Danbury)

BRIDGE is the only residential program that helps inmates with histories of chronic sexual, physical, or emotional abuse overcome trauma and learn ways to avoid future victimization.

CHANGE (FMC Carswell)

An intensive residential program for female offenders, CHANGE (Choosing Healthy Alternatives and New Growth Experiences) emphasizes self-improvement, self-discovery, healthy relationships, and personal effectiveness. The program is designed to offer the offender a vehicle through which to evaluate and make positive improvements in her life.

LIFT (FPC Bryan)

An intensive, nonresidential program, LIFT (Liberation From Trauma) is composed of group psychotherapy, psychoeduca-

tional classes, and structured group activities addressing the mental health of female offenders who are trauma and abuse survivors, with the overall goal of breaking the cycle of abuse and violence.

New Pathways (FCI Dublin)

Currently under development, this nine-month, nonresidential program will be available to female offenders with a history of physical, emotional, or sexual trauma. The program will address simultaneously occurring problems such as substance abuse and trauma and issues such as incest and domestic violence.

SHARE (FMC Carswell)

SHARE (Sharing Hope About Recovery Experiences) enables female offenders with histories of substance abuse, domestic violence, or sexual assault to interact with young "at-risk" women in the community. According to the BOP, by describing and discussing their experiences, inmates seek to help the youths avoid making the same mistakes. The experience reportedly is also very therapeutic for the inmates.

The BOP also maintains the following program for mothers and infants.

MINT (various facilities)

An alternative residential program for pregnant women in federal prisons, MINT (Mothers and Infants Together) is offered in Hartford, Conn.; Hillsboro, W.Va.; Tallahassee, Fla.; Springfield, Ill.; Fort Worth, Tex.; Phoenix, Ariz.; San Francisco, Cal.; and Sioux Falls, S.D. Participants, who must be okayed for minimum security, are placed in a halfway house during their last two months of pregnancy. After delivery, the mother is allowed three months to bond with the child. The mother is responsible for arranging custody thereafter.

Other relevant BOP programs are listed below.

Intensive Confinement Center (ICC) (FPC Bryan)

The Intensive Confinement Center combines features of a military boot camp with the BOP's traditional correctional values, followed up with extended participation in community-based programs. The highly structured environment, which includes labor-intensive work

assignments and training in vocational and life-coping skills, is intended to reduce recidivism by promoting personal development, self-control, and self-discipline.

IMPACT Program of Southeastern Guide Dogs (FCI Coleman)

IMPACT (Inmates Practicing Animal Care and Training) participants earn adult continuing education certificates as they care for and train guide dogs for the visually impaired. Eligible inmates also work with the county's Habitat for Humanity as part of an outreach program to prepare them for release. IMPACT is open to both male and female inmates.

Parenting Programs (all facilities)

Regularly scheduled classes and work groups enable both male and female inmates to learn about child development and to improve family skills. Inmates and their children can spend weekend days in children's centers adjacent to visiting rooms, working to reestablish and strengthen their relationships. A Video-to-Child program allows inmates to record themselves on videotape reading books or telling stories, to help them

maintain a link with their children.

Living Free (all facilities)

For both men and women, Living Free is designed to help inmates develop more socially acceptable lifestyles by reassessing their values. Participants examine their life options and develop plans for personal change aimed at enhancing honesty, respect, tolerance, and responsibility. Conceived as a "gateway" to participation in other prison self-development programs, Living Free is not intended to undo lifelong patterns of criminality but to begin the process of change by getting participants to think about their feelings and behavior. Participation is voluntary.

district's mental health provider. The woman has made great strides, and the mental health counselor is conducting both individual and family therapy. She is now employed, and her self-esteem has improved because she is able to support her family.

Cases like this one are particularly challenging in the pre-trial context because of the limited nature of supervision. The officer's role is to help stabilize the defendant's situation so that issues such as parenting and child care can be managed effectively.

A Post-sentence Case

A substance-abusing offender with minor children was released from a halfway house and had only overnight shelter housing and no job. Aware of the situation, her probation officer had helped her contact a community-based nonprofit housing provider for women and children that also provided substance abuse counseling and other social services. By assisting her in this way, the officer had increased the likelihood that she would comply with release conditions, reduced risk to the community, and addressed the offender's (and her children's) needs.

Using Community Resources

A 1992 National Institute of Corrections-sponsored study found that the most promising community-based programs for women defendants and offenders did not employ the medical or clinical model of correctional

intervention. Rather, the programs used an “empowerment” model for developing skills the women needed to achieve independence. The programs further addressed issues such as domestic violence, sexual abuse, pregnancy, single motherhood, gender bias, and gender-related pathways to substance abuse.

Probation officers interviewed for this bulletin have stressed the effectiveness of gender-responsive, community-based programs for women offenders and the importance of locating such services.

Generally, development and use of community resources can be accomplished through mapping, partnership, and brokerage.

Mapping involves identifying, gathering, and compiling information about community resources. Often, mapping will already have been done by a district’s community resources specialist, local-government or nonprofit human services agency, legal services clinic, or community corrections agency. Otherwise, mapping can be accomplished through internet and library research, telephone contacts, site visits, and networking with local-government and nonprofit human services agencies, places of worship, and community corrections agencies.

Partnerships. Once resources have been mapped, districts can form partnerships with groups that will be particularly helpful to female defendants and offenders. The potential partner must be evaluated according to criteria such as clarity about

Women Offenders and Welfare Benefits

In discussing women offenders, Ann Jacobs, Executive Director of the Women’s Prison and Home Association, says that “it is common for a woman [offender] to rely on welfare until she can enter the job market, first at an entry-level position (often supplemented by public assistance), then gradually working her way up to a job that pays a living wage.”

There are obstacles to obtaining federal aid, however, that officers should know about. Some of those obstacles are listed here.

- Offenders with a drug-related felony conviction are ineligible to receive federal cash assistance and food stamps. 21 U.S.C. §862a(a). (Twenty-seven states have opted out of this prohibition.)
- Offenders who have been evicted from federally funded public housing because of drug-related criminal activity are ineligible to reside in such

housing for three years following the date of eviction. 42 U.S.C. §13661(a).

- Some jurisdictions conduct criminal record checks of people applying for federal housing assistance. Denial of eligibility can be based on an applicant’s criminal record. 42 U.S.C. §13661(c). Denials can be appealed.
- Individuals who are violating a condition of probation or parole are ineligible to receive Temporary Assistance to Needy Families (TANF), 42 U.S.C. §608(a)(9); Supplementary Security Income (SSI), 42 U.S.C. §1382(e)(4)(b); housing assistance, 42 U.S.C. 1437f(d)(1)(B)(v)(II); and food stamps, 7 U.S.C. §2015 (k)(2).
- Students convicted of drug-related offenses are ineligible to receive federally funded higher education grants, loans, or work assistance. 20 U.S.C. §1091(r).

services, accessibility, professionalism of staff, comprehensiveness of services, experience providing services to female defendants and offenders, and reputation in the community.

Brokerage. After partnerships are established, the officer can broker community resources

and customize the menu of services to address specific needs. This requires careful screening of defendants and offenders, networking to find service providers, and functioning as a liaison between the defendant or offender and service providers. ♦

Pretrial, Post-conviction, & A Planning

In planning and conducting supervision of women defendants and offenders, officers should consider whether the following issues are present and, if so, how the issues might affect the woman's ability to comply with release conditions, the degree of risk she presents to the community, and the effectiveness of correctional interventions. While most of these issues are critical for any defendant or offender, they are especially important for women with caretaker responsibilities. *This checklist will apply differently in pretrial, post-conviction, and post-sentence contexts.*

Does the defendant or offender have enough and appropriate food and clothing?

- If not, what community resources are available to assist the defendant or offender?

Does the defendant or offender have housing?

- If not, what is the individual's current living arrangement?
- If not, what housing options are available in the community? Are gender-specific options (e.g., women's shelters) available?
- If not, how will this affect the individual's ability to care for or reunite with her minor child and obtain welfare benefits? Are family-specific housing options available in the community (e.g., shelters or transitional housing for mothers with minor children)?
- If so, what is the nature of the individual's housing (e.g., living with family or friends, overnight shelter, transitional housing, rental housing, homeowner, location of housing),

and how might it affect supervision?

- If not, are housing subsidies available, and is the defendant or offender eligible to receive them?

Does the defendant or offender have transportation?

- If so, what is the nature and reliability of the transportation (e.g., personal automobile, friend or relative who provides transportation, public transportation, etc.)?
- If so, and the individual will be using public transportation, does the transportation agency sponsor reduced fares or similar programs for which she is eligible, or are such programs available via community organizations or employers?
- If not, how will this affect the defendant's or offender's ability to obtain employment, attend substance abuse treatment, and so on?
- If not, are community resources (e.g., nonprofit or volunteer organizations) available to provide transportation?

Does the defendant or offender have a history of sexual or physical abuse?

If so,

- what is the nature of the abuse?
- is there a possible or documented connection between the physical or sexual abuse and substance abuse?
- are gender-responsive, community-based treatment services available?

Does the defendant or offender have income and employment?

- If so, what is the nature of the income and employment?

Post-sentence Supervision Checklist

- If not, is the individual eligible to receive welfare benefits?
- If not, does she have marketable skills and a history of paid employment?
- If not, are gender-responsive community-based training services appropriate and available to help her obtain marketable skills and employment?

What are the nature, extent, and potential effects of the defendant's or offender's support systems (or lack thereof) in the community?

- If the individual does not have support systems, or if such systems are dysfunctional, how can they be developed in the former case or restructured in the latter?

Does the defendant or offender have a history of substance abuse? If so,

- what is the nature of the abuse?
- is there a possible or documented connection to physical or sexual abuse?
- are gender-responsive community-based treatment services appropriate and available?

Does the defendant or offender have a history of mental illness? If so,

- what is the nature of the illness?
- Is there a possible or documented connection to physical or sexual abuse?
- does the mental illness co-occur with substance abuse?
- what medications have been used, and what is the status of the individual's access to medication?
- are gender-responsive community-based treatment services appropriate and available?

Does the defendant or offender have access to gynecological or reproductive health care?

- If not, are community-based services available?

Is the defendant or offender a single mother of a minor child? If so,

- what is the status of the individual's relationship with the child (current and historical)? If mother and child are separated during a period of incarceration, does the offender want to reunite with the child? If so, is she eligible to do so? Does the child wish to do so?
- what is the individual's and child's relationship with the father?
- what are the current custodial arrangements?
- is the defendant or offender eligible to receive child support? If so, what is the status of child support?
- do custodial arrangements involve other family members as caretakers (e.g., the child's grandparents, the defendant's or offender's sibling, etc.)? How will this situation affect the defendant or offender?
- what is the status of the defendant's or offender's parenting skills?
- does the defendant or offender have access to child care? If so, what is the nature of the care (e.g., friend or relative, child-care center, school-based, etc.)? If not, are community-based child-care services available?

Are legal services available in the community to help the defendant or offender reunite with her minor child, obtain child support, obtain welfare benefits, et cetera?

Probation & Pretrial for Women Defendants

Northern District of Texas

The probation office in the Northern District of Texas, Garland Division, has developed two programs for female offenders: the Feminine Forum and the Walking Group.

The Feminine Forum was created in response to an increase in the number of female offenders on the Garland Division's caseload. Officers in the division observed that most of these women appeared to be "stuck"—they were making no progress and had no resources. It was hoped that the forum would provide a supportive environment promoting growth and at the same time educate officers on the issues that female offenders faced.

Coordinated by a probation officer, each forum lasts eight weeks and is open to all female offenders. Participants discuss their adjustment to supervision and the impact of their punishment on their lives. Those in the forum facing violations or revocation receive support from others in the group. The discussion enables offenders to confront misguided thinking and receive advice from peers.

To address employment issues, the forum also includes a YWCA career counselor who provides information on completing applications, interviewing, and discussing the impact of felony convictions with prospective employers. Participants also engage in mock interviews with feedback.

The Feminine Forum provides a "safe haven" where women do not have to

hide from what they've done. Supervision officers find that attending the sessions improves trust and understanding and enhances working relationships with offenders. Since the forum began, journal writing, a book club, and a yoga class have been added.

For overweight offenders, the Walking Group was created by the offenders themselves (with encouragement from

officers) with the goal of reducing depression related to obesity and improving physical appearance, self-esteem, and motivation. (Offenders created a flyer to generate interest in the group.)

"Walking" is actually a metaphor for develop-

ing life skills related to moving forward, setting goals and limits, celebrating accomplishments, working as a team, and learning alternate ways to deal with anger.

A female deputy from the U.S. Marshals Service participates in the Walking Group by measuring body fat and recording progress. The group is open to all female offenders and to officers. Besides improving their own health, the latter benefit by building trusting relationships with offenders.

For more information on the Feminine Forum and Walking Group, contact Senior U.S. Probation Officer Wendy Landry (Mental Health/Substance Abuse Treatment Specialist) at (972) 864-8503.

Western District of Texas

Probation and pretrial services officers in the Western District of Texas collabo-

The specific objective of the Feminine Forum is to "tear down self-inflicted barriers to motivate and encourage female offenders by providing a forum that allows female offenders to find a sense of achievement, self-esteem, and ownership."

Services Initiatives & Offenders

rate with a clinician from the University of Texas Health Science Center to provide women defendants and offenders with groups addressing relapse prevention and other issues. The groups, which convene at a nonprofit community health center near the probation and pretrial services offices, are facilitated by the clinician, either alone or in conjunction with an officer. The center provides meals for defendants, offenders, and their children; child care; and bus tokens, if necessary.

Women in the probation program are referred after a screening process which determines the best program for them. The 15-week pretrial services program, which is operating but still under development, is voluntary. Defendants can join the program at any point. Sessions include a meeting with women in the probation group to discuss personal and family issues related to incarceration, prison conditions, et cetera. Graduates of the pretrial services program can continue in a mixed probation and pretrial support group.

For more information on the pretrial services program, contact Senior U.S. Pretrial Services Officer Sylvia Recio (Drug and Alcohol Treatment Specialist) at (210) 472-4053. For more information on the probation program, contact U.S. Probation Officer Cynthia Mendiola (Drug and Alcohol Treatment Specialist) at (210) 472-6590.

Southern District of New York

Under the auspices of a Female Offenders Committee formed in 1992, the probation office in the Southern District of New York engages in several activities specifically to help women reintegrate into the community.

Recognizing that some problems,

such as domestic violence and lack of housing and child care, affected female offenders more than male offenders, the committee first compiled a resource manual, which was completed in 1995 and distributed to staff. The manual lists community agencies that can help women in the areas the committee identified as critical to successful adjustment in the community. The committee is currently updating the manual. The new version, which will be fully automated, should be completed this year.

In June 1996, in conjunction with the New York City Victims Services Agency, the committee conducted a four-hour workshop on domestic violence. The workshop explored the needs of battered women and the services available to them, while seeking to increase understanding about victimization and trauma. Practical advice on working with victims was also provided.

Following the workshop, the committee conducted a half-day program, in conjunction with New York State Parole, on working with women offenders. The program identified major issues affecting women offenders, discussed supervision strategies, and defined services addressing the unique needs of the population.

The committee's next two projects are a "Motivation Day" (actual name is still to be determined) for women offenders suffering from low self-esteem, and a workshop on domestic violence. The latter will update the district's prior workshop to give officers a fuller understanding of the issue's complexity.

For more information on these programs, contact the district's Female Offenders Committee at Female_Offender_Committee@nysp.uscourts.gov.

Resources Available to Women Defendants and Offenders and Officers who Supervise Them

These resources can be helpful to defendants and offenders who reside in the districts in which the resources are located and, nationwide, to officers seeking assistance regarding such services. For a comprehensive list, see the National Institute of Corrections' Directory of Community-based Programs for Women Offenders (http://nicic.org/services/video/01_womenoffend.htm#resources).

Women's Prison and Home Association, Inc.

**110 Second Avenue
New York, NY 10003
(212) 674-1163**

This nonprofit agency works to create opportunities for change in the lives of women prisoners, ex-prisoners, and their families. It provides programs through which women acquire life skills needed to end their involvement in the criminal justice system and to make positive, healthy choices for themselves and their children. The association is part of the Women's Justice Alliance, a coalition of 300 public and private agencies and individuals which has developed the *Training Manual on Working with Women in the Criminal Justice System*.

Aid to Children of Imprisoned Mothers, Inc.

**524 Larkin Street, S.W.
Atlanta, GA 30314
(404) 221-0092**

This organization offers local programs for children: after-school tutorials, mentors, Saturday edu-

cational and recreational programs, transportation for mother-child visits, and a weeklong summer camp. It also provides local programs for caretakers and mothers and national consultation services on child custody issues for legislators, court employees, and others.

The organization has published these two books: *Parenting from Prison: A Handbook for Incarcerated Mothers* and *Jails and Justice: A Handbook for Incarcerated Women*.

Citizens United for Rehabilitation of Errants (CURE)

**CURE National
Washington, D.C.
(202) 789-2126
www.curenational.org**

**Federal CURE
Cleveland, Ohio
(216) 479-6885**

For both men and women, CURE National has 43 chapters, including Federal CURE. Each chapter provides support and assistance to prisoners and ex-prisoners and their families, as well as to the professionals who work with offenders. For example, in 1999 the District of Columbia chapter published *Starting Out, Starting Over, Staying Out: A Guide for District of Columbia Ex-Offenders (Housing, Food, Employment, and Other Resources)*.

Offender Aid and Restoration (OAR)

**Indiana:
Anderson (765) 649-7341**

**Indianapolis (317) 635-4973
Newark, N.J. (201) 624-1145
Ithaca, N.Y. (607) 272-7885**

Virginia:

**Arlington (703) 228-7030
Charlottesville (804) 296-2441
Fairfax (703) 246-3033
Richmond (804) 643-2746**

OAR offers programs for defendants and offenders of both sexes. Some chapters have programs specifically for women. For example, OAR of Essex County (Newark) sponsors a Patchwork Family Center for children and their incarcerated mothers. This chapter also provides domestic violence, single-parent, and women's services.

**Strive Incorporated
New York, N.Y.
(212) 360-1100
www.strivecentral.com**

Strive offers gender-specific job training combined with social services for women and men, including offenders. The For Women Only program provides on-site social services, ongoing group and individual counseling, and a two-day workshop focusing on self-confidence, self-analysis, and self-esteem issues. Additional counseling, support groups, and coordinated referral services are available after graduation. Strive has branches in Baltimore; Battle Creek, Michigan; Boston; Buffalo; Chicago; Ft. Lauderdale; Norwalk, Connecticut; Philadelphia; San Diego; San Francisco; and Washington, D.C.

Selected References

- Acoca, Leslie, and Myrna Raeder. "Severing Family Ties: The Plight of Nonviolent Female Offenders and Their Children." *Stanford Law and Policy Review* 133 (Winter 1999).
- Bloom, Barbara, and Anne McDiarmid. "Gender-Responsive Supervision and Programming for Women Offenders in the Community" in *Topics in Community Corrections: Responding to Women Offenders in the Community* 11. Washington, D.C., National Institute of Corrections (2000).
- Chesney-Lind, Meda. "Women in Prison: from Partial Justice to Vengeful Equity." *Corrections Today* 66 (December 1998).
- Covington, Stephanie, and Barbara Bloom. "Gender Specific Programming for Female Offenders: What is it and Why is it Important?" (1998) (unpublished).
- Dressel, Paula, Jeff Porterfield, and Barnhill, Sandra Kay. "Mothers Behind Bars." *Corrections Today* 90 (December 1998).
- Ellis, Allan, and Samuel Shummon. *Federal Prison Guidebook*. Sausalito, Cal.: Law Offices of Allan Ellis (2001).
- Gabel, Katherine, and Denise Johnston (eds.). *Children of Incarcerated Parents*. New York: Lexington Books (1995).
- Jacobs, Ann L. "Give 'Em a Fighting Chance: Women Offenders Reenter Society." *Criminal Justice Magazine* 45 (Spring 2001).
- U.S. Department of Justice, Bureau of Justice Statistics. *Special Report: Incarcerated Parents and their Children*. Washington, D.C.: U.S. Department of Justice (August 2000).
- . *Special Report: Intimate Partner Violence*. Washington, D.C.: U.S. Department of Justice (May 2000).
- . *Special Report: Medical Problems of Inmates, 1997*. Washington, D.C.: U.S. Department of Justice (January 2001).
- . *Special Report: Women Offenders*. Washington, D.C.: U.S. Department of Justice (December 1999).
- U.S. General Accounting Office. *Women in Prison: Issues and Challenges Confronting U.S. Correctional Systems*. Washington, D.C.: U.S. General Accounting Office (1999).
- U.S. Sentencing Commission. *Guidelines Manual*. Washington, D.C.: U.S. Sentencing Commission (2000).
- . *1999 Sourcebook of Federal Sentencing Statistics*. Washington, D.C.: U.S. Sentencing Commission (2000).
- Wald, Patricia M. "What About the Kids?" *Federal Sentencing Reporter* 137 (November/December 1995).
- . "Why Focus on Women?" *Criminal Justice Magazine* 11 (Spring 2001).

Special Needs Offenders Bulletin

a publication of the Federal Judicial Center

No. 7, September 2001

Written by
[Mark Sherman](#)
Education Specialist
Court Education Division

Edited and designed by
[Nathan Dotson](#)
Communications Policy & Design

Send questions or comments to Mark Sherman, Court Education Division, Federal Judicial Center, Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Washington, D.C. 20002-8003.

This publication was undertaken in furtherance of the Center's statutory mission to develop and conduct education programs for judicial branch employees. The views expressed are those of the author and are not necessarily those of the Federal Judicial Center.

**Federal Judicial Center
Thurgood Marshall Federal
Judiciary Building
One Columbus Circle, N.E.
Washington, D.C. 20002-8003
<http://jnet.fjc.dcn>**